

- A2  
Amended*
29. (New) The paper product as defined in claim 28 wherein said connecting means are located along a common edge of said pairs.
30. (New) The paper product as defined in claim 28 wherein each of said pairs defines a calendar field.
31. (New) The paper product as defined in claim 28 wherein each of said pairs defines a calendar field and a post card field set-off by each line of perforations.
32. (New) The paper product as defined in claim 31 wherein each line of perforations extends substantially between opposite edges of each of said pairs.

### REMARKS

After careful consideration of the outstanding Office Action, this application has been amended accordingly, and favorable reconsideration on the merits thereof is at this time respectfully requested.

The certified copies of the priority based applications are attached hereto under cover of the enclosed Priority Claim.

The Abstract of the Disclosure has been cancelled and a new Abstract of the Disclosure in accordance with United States practice is herewith made of record.

The Examiner objected to the drawings "because the drawings do not contain English words and characters." New drawings have been submitted

herewith by way of separate paper addressed to the Official Draftsperson, and approval thereof by the latter and the Examiner is herewith respectfully requested. In the new drawings "Figur" has been changed to -- Figure --; "Kalender" has been changed to -- calender -- and "Juni" has been changed to -- June --. The address portion of Figure 4 is now in the English language. In view of the foregoing, entry of the new drawings is respectfully requested.

All of the original claims of record have been cancelled to render moot the rejection thereof under the second paragraph of 35 U.S.C. § 112 without, of course, disclaiming the novel and unobvious subject matter thereof. Newly drafted claims 10 through 32 are believed to be in complete compliance with the latter noted section and paragraph of Title 35.

The remaining issue of record is the rejection of all of the original claims of record based upon the patent to Proctor (5,158,809) taken alone or in conjunction with several other patents of record. The Examiner correctly described the Proctor disclosure at page 5, paragraph 6. The Examiner correctly rejected independent claim 1 under 35 U.S.C. § 103(a) over the Proctor patent. However, the rejection was proper simply because claim 1 was drafted in relatively broad terms which is not the situation with new independent claims 10 and 28.

Turning first to claim 10, this claim recites first and second paper sheets having first and second opposite paper surfaces "with said first paper surfaces being in substantially planar **contiguous** surface-to-surface opposing relationship at both major and minor opposing surface are portions thereof." Claim 10 goes on to define the major opposing surface area portions as being "substantially permanently adhesively bonded to each other while **"a line of perforations** in said first and second paper sheets" is adapted "to be **torn t facilitate**

the separation of said major and minor opposing surface area portions from each other." Lastly, a germinative seed [is] housed **between said minor opposing surface area** portions which can be subsequently planted absent adversely affecting, damaging or destroying the major opposing surface area portions." The latter-claimed paper product is exemplified in Figures 1 and 2 with the germinative seed 6 being housed between the minor opposing surface area portions defined by the line of perforations 5 which can be removed (Figure 2) incident to planting. The latter structure finds no counterpart in the Proctor patent. As the Examiner correctly described the Proctor patent, seeds 23 are "arranged between the paper surfaces - 13, 14." The seeds 23 are actually placed in a growing media 20 after having been removed from a package 21 and placed upon a waterproof lining material 19. When originally packaged (Figure 1), there is no doubt that the seeds in the package 21 are housed or located between the upper paper surface 13 and the lower paper surface 14 which are indeed glued edge-to-edge by an adhesive 17.

Claim 10, however, clearly distinguishes the invention over the Proctor patent by requiring the first and second paper sheets as each having first and second opposite paper surfaces with the first paper surfaces thereof "being in substantially planar **contiguous** surface-to-surface opposing relationship" with the major portions thereof being adhesively bonded to each other and the minor opposing surface area portions housing a germinative seed. The line of perforations which is also recited in claim 10 is located "in said first and second paper sheets" such that when torn, the major and minor opposing surface area portions are separated from each other. No such contiguous relationship or delineation of major and minor surface area portion is found in the Proctor patent in conjunction with the location of a germinative seed housed relative to

the minor surface area portion which essentially can be separated and subsequently planted absent major opposing surface area portion damage.

In view of the foregoing, independent claim 10 clearly defines novel and unobvious subject matter over the patent to Proctor, as does similarly limited independent claim 28 which additionally calls for "a plurality of pairs" of the first and second paper sheets and "means for connecting said pairs together" much in the manner illustrated in Figure 3 of the drawings. Accordingly, since the subject matter of claims 10 and 28 is clearly unobvious, the formal allowance thereof over the patent to Proctor is believed proper and would be most appreciated.

Since the secondarily applied patents are irrelevant to the subject matter recited in independent claims 10 and 28 and the claims depending directly and/or indirectly therefrom, the formal allowance of the dependent claims is likewise considered proper absent further comment/argument. However, several of the cited patents are of interest and require comment.

At page 9, paragraph 7 of the outstanding Office Action, the Examiner mentions the patent to Mastriano (4,418,497) which "shows 3-D greeting card with seeds." The latter is indeed an accurate description of this patent, but the three-dimensional card recited in new claim 10 with the seed distinguishes over Mastriano for the reasons heretofore mentioned relative to the Proctor patent, namely, the seeds in Mastriano are located in a box 50 which are in turn located in the "3-D greeting card." Thus, the specific subject matter of claims 10 and 28 find no counterpart in the Mastriano patent.

In the patent to Balsamo (5,199,745) the greeting card not only includes perforations, as the Examiner has stated, but the purpose thereof is to rupture the tissue paper confetti package 20 (Figure 2) when the card is opened (Figure

5) to spew confetti 24 outwardly therefrom. Thus, the patent is essentially nonanalogous prior art which has no bearing on the subject matter recited in independent claims 10 and 28.

With respect to the patent to Hoy (6,355,285 B1), the Examiner states the same "shows greeting card with seeds." The undersigned fails to see any "seeds" disclosed in this patent, though admittedly the embodiment of the invention shown in Figures 7A and 7B have panels 18 and 18 "formed from a single continuous section of material made primarily from **grains**." However, all of the embodiments shown in this patent depict "an edible greeting card" (column 3, lines 61-62) and none have anything to do with seeds which can be removed from a paper product for planting purposes. This patent is considered representative of nonanalogous prior art.

The last two patents cited by the Examiner at page 9, paragraph 7 are said to show "corn seed between papers" and "seeds between paper products," none of which is suggestive of, anticipates or renders obvious the subject matter of claims 10 and 28.

In view of the foregoing, all of the claims of record clearly distinguish Applicants' invention over the prior art. Accordingly, upon favorable consideration of this application, the formal allowance thereof at an early date is herewith respectfully requested.

Respectfully submitted,

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Attachments: Letter to Draftsperson w/2 sheets corrected drawings  
Priority Claim w/2 certified copies